

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1.

OA 1004/2026

Sqn Ldr Sushil Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Ms. Pallavi Awasthi, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
01.04.2026

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed the present application. The reliefs claimed in Para 8 read as under:

- (a) *Direct the Respondents to decide and dispose of the pending. Redressal of Grievance submitted by the Applicant dated 11.09.2025 in a time-bound manner;*
- (b) *Issue appropriate directions to the Respondents to conclude the ongoing Court of Inquiry proceedings expeditiously, strictly in accordance with law and principles of natural justice;*
- (c) *Direct the Respondents to forthwith relieve the Applicant from the continued/recurring attachment and permit him to join his parent unit at AFS Awantipur, J&K;*
- (d) *Pass appropriate directions to the respondents ensuring that no coercive or adverse administrative/disciplinary action is taken against the Applicant on the basis of the impugned and vitiated COI proceedings, pending adjudication of the present application;*
- (e) *Pass such further orders) or direction(s) as this*

Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

2. As regards prayer 8(b), on instructions, Mr. Bhati, learned Sr. CGSC for the respondents submits that the Court of Inquiry (CoI) has already been concluded.

3. In respect of prayer 8(c), it is observed that under the provisions of the Armed Forces Tribunal Act, 2007, “service matters” amenable to adjudication by this Tribunal are defined under Section 3(o) of the AFT Act, 2007. In terms of the exclusion clause under sub-clause (ii) transfer and posting, including change of place or unit, whether individually or as part of a unit or formation, do not fall within the jurisdiction of this Tribunal.

4. However, the principal grievance of the applicant is for a direction to the respondents to decide his grievance representation dated 11.09.2025 in a time-bound manner. Without entering into the merits of the case, we deem it appropriate to direct that the said representation be considered and decided by the competent authority within a period of two months from the date of receipt of a copy of this order.

5. With the aforesaid direction, and without expressing any opinion on the merits of the contentions raised, the Original Application stands disposed of.

6. Let a copy of this order be given *'DASTI'* to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

PS
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